



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| | | | | |
|------------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/596,465 | 06/14/2006 | Koichi Shimamura | VPM-02001 | 6948 |
| 54/004 | 7/5/01 | 05/11/2009 | | |
| MUIRHEAD AND SATURNELLI, LLC | | | EXAMINER | |
| 200 FRIBERG PARKWAY | | | ZHU, BO HUI ALVIN | |
| SUITE 1001 | | | | |
| WESTBOROUGH, MA 01581 | | | ART UNIT | PAPER NUMBER |
| | | | 2419 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 05/11/2009 PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,465

Applicant(s)

SHIMAMURA ET AL.

Examiner

BO HUI A. ZHU

Art Unit

2419

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: "when the presence information of the user of the presence display system" should be changed to "when the presence information of *a* user of the presence display system" Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 4 is indefinite because it does not provide structural elements that would clearly define an apparatus. Claim 4 is directed to a gateway apparatus. However, the claim merely recites a series of steps, which is not a physical structure that defines an apparatus. All of the dependent claims of claim 4 are rejected as well for the same reason.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. "XMPP CPIM Mapping draft-miller-xmpp-cpim-00"

(1) with regard to claims 1 and 4:

Miller et al. discloses a system comprising: a presence server (CPIM-Compliant Service, page 4); a gateway apparatus (CPIM Gateway, page 4) that can be connected to a system (XMPP Service, page 4) providing another presence service, wherein, when a change to a user's presence information is changed, the presence server reports information thereon to the system providing another presence service via the gateway apparatus (section 4.2.2., When sending a presence notification from CPIM to XMPP, Fig. 11) and, when a report to the effect that the user's presence information has changed is received from the system providing another presence service via the gateway apparatus, the presence server establishes synchronization of the user's presence information with the system providing another presence service by updating the user's presence information (section 4.2.2., When sending a presence notification from XMPP to CPIM, Fig. 11).

(2) with regard to claims 2 and 5:

Miller et al. discloses all of the subject matter as discussed in the rejection of claim 1 and 4. Miller et al. further discloses a presence conversion table showing the relationship of correspondence between the presence information of the presence display system and the presence information of the system providing another presence service, wherein synchronization of presence information is established with the system providing another presence service by using the presence conversion table (4.2.2., page 11, translation from XMPP to CPIM, and from CPIM to XMPP).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. "XMPP CPIM Mapping draft-miller-xmpp-cpim-00" in view of Rosenberg et al. "SIP Extensions for Presence"

(1) with regard to claims 3 and 6 - 8:

Miller et al. discloses all of the subject matter as discussed in the rejections of claims 1 and 4. Miller et al. however does not disclose the system providing another presence service is an SIP-compliant IP telephone system, and synchronization of

presence information is established with the SIP-compliant IP telephone system through the mutual transmission of an SIP SUBSCRIBE method.

Rosenberg et al. teaches an SIP-compliant IP telephone system, and synchronization of information is established through the mutual transmission of an SIP SUBSCRIBE method (section 7.1, page 12 - 14; section 7.2, page 14 - 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Miller et al. to include the feature of an SIP-compliant IP telephone system, and synchronization of presence information is established through the mutual transmission of an SIP SUBSCRIBE method as shown in Rosenberg et al. in order to support subscriptions and notifications of user presence for SIP-compliant systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BO HUI A. ZHU whose telephone number is (571)-270-1086. The examiner can normally be reached on Mon-Thu 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. Z./
Examiner, Art Unit 2419

/Jayanti K. Patel/

Supervisory Patent Examiner, Art Unit 2419